

Tim Eblen, Oregon Bar No. 050252

Trial Attorney for Plaintiff

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Of Attorneys for Plaintiff

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UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

DIANA MARIE ROBBINS, a.k.a. DIANA

MARIE AUSTIN,

a consumer residing in Linn County,

Case No. 15-cv-00821-AA

Plaintiff,

v.

**COLUMBIA COLLECTION SERVICE,
INC., et al.,**

Defendants.

**DECLARATION OF TIM
EBLEN IN SUPPORT OF
PLAINTIFF'S STATEMENT OF
ATTORNEY FEES AND COSTS**

I, Tim L. Eblen, make the following declaration:

1. I am of attorneys for Plaintiff in this case. I make this declaration based on my personal knowledge, and on my review of the physical and electronic file that our office maintains on this matter. If called as a witness at any evidentiary hearing, I would testify the same as herein.

2. Attached as Exhibits 1 and 2 to this declaration are statements of the hours our firm reasonably and necessarily incurred prosecuting this case.
3. Also included in Exhibits 1 and 2 are statements of Plaintiff's costs and disbursements reasonably and necessarily incurred in this case.
4. My law firm and I assumed significant risk in accepting this case on a contingent basis. Whereas the attorneys for the Defendants will be paid for 100% of its attorneys fees and expenses, win or lose, our firm only recovers because the Defendants have tendered an acceptable Offer of Judgment, and then only the amount that the Court awards.
5. My law firm is small. We are three attorneys, and one paralegal. As such, in accepting Ms. Robbins case, we were precluded from working on other cases.
6. As my client discovered when she began seeking out an attorney to represent her in this case, there are an extremely small number of attorneys that handle unlawful debt collection cases in Oregon. I am personally aware of only a handful of other attorneys that regularly handle such cases.
7. I am a partner in the law firm of Eblen Freed, LLP. I have been a member of the Oregon State Bar since 2005 and the Washington State Bar Association since 2009. I specialize in debt/credit law, including creditor rights, and debtor rights, including consumer law such as violations of the Fair Debt Collection Practices Act.
8. My hourly rate on consumer law cases is \$340. Early in 2014, The Honorable Thomas Ryan, an Oregon Circuit Court Judge, awarded me the hourly rate of \$340. Also in 2014, The Honorable Karin J. Immergut, an Oregon Circuit Court Judge, awarded me the hourly rate of \$315. The 2012 OSB economic survey indicates that hourly rates for Portland attorneys in practice 10-12 years range from a median of \$275 to a 95th

percentile of \$428. Applying a 2.0 percent annual increase of those rates for inflation reflects a median of \$291 and a 95th percentile of \$454.

9. I began working in civil litigation as a law clerk in 2002, assisting Jeffrey S. Mutnick with many state court personal injury and wrongful death cases representing individual Plaintiffs. I passed the bar examination in 2004 and was admitted to the Oregon State Bar in 2005. During my first year of practice I managed a civil caseload for Robert Ireland. During that year I handled multiple kinds of civil cases, including breach of contract, Unlawful Trade Practices Act, and personal injury. For the past 9 years, I have specialized in the fields of debtor-creditor and consumer law.
10. Prior to opening up my own practice in 2011, I worked for Smith & Greaves, LLP, a creditors' rights firm. While working there I gained extensive knowledge and experience regarding the consumer protection laws that regulate the actions of debt collectors, and regularly advised debt collectors on compliance with those statutes. Moreover, at Smith & Greaves LLP I served as the compliance trainer for a staff of approximately 25 employees. In that role, I gave individualized and group trainings on a regular basis to insure compliance with the Federal Fair Debt Collections Practices Act.
11. I am actively involved with the Oregon State Bar Debtor Creditor Section. I have been asked to speak at multiple Continuing Legal Education seminars on debtor-creditor issues, and regularly presents on debt settlement options for the public. I have also authored articles for the Washington State Bar Association Debtor Rights Newsletter, the Oregon State Bar Debtor Creditor Section Newsletter, and for Trial Lawyer, a publication produced by the Oregon Trial Lawyers Association..

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12. I am actively involved with the Oregon Trial Lawyers Association. I am currently part of the consumer law section of that association, and I am regularly asked questions by other members about a variety of debtor creditor issues, including debt collection practices.

I HEREBY DECLARE THAT THE ABOVE STATEMENT IS TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF, AND THAT I UNDERSTAND IT IS MADE FOR USE AS EVIDENCE IN COURT AND IS SUBJECT TO PENALTY FOR PERJURY.

DATED this 30th day of September, 2015.

EBLEN FREED LLP

/s/ TIM EBLEN

TIM L. EBLEN, OSB #050252
Of Attorneys for Defendant